

CLOSED,TRANSF

**U. S. District Court
Western District of Arkansas (Harrison)
CRIMINAL DOCKET FOR CASE #: 3:12-cr-30013-PKH-1**

ED/OK CASE NO. CR 15-29-RAW

Case title: USA v. Pearce

Date Filed: 12/17/2012

Date Terminated: 05/02/2013

Assigned to: Honorable P. K.
Holmes, III

Defendant (1)

Westley Pearce

TERMINATED: 05/02/2013

represented by **Eddie N. Christian**

Christian & Byars

P.O. Box 1725

Fort Smith, AR 72902-1725

(479) 782-9147

Fax: (479) 782-3623

Email: enchristian@cox-internet.com

LEAD ATTORNEY

Designation: Retained

Pending Counts

18:2423(b)- COERCION OR
ENTICEMENT OF MINOR
(1)

Disposition

DEFENDANT SENTENCED TO 24 MONTHS
IMPRISONMENT WITH CREDIT FOR TIME
ALREADY SERVED IN FEDERAL CUSTODY, 5
YEARS SUPERVISED RELEASE AND \$100.00
SPECIAL ASSESSMENT

Highest Offense Level
(Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Plaintiff**USA**

represented by **Dustin S. Roberts**
 U.S. Attorney's Office
 414 Parker Avenue
 P.O. Box 1524
 Fort Smith, AR 72902
 479-783-5125
 Fax: 479-441-0578
 Email: Dustin.Roberts@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
12/17/2012	<u>1</u>		WAIVER OF INDICTMENT by Westley Pearce. (jas) (Entered: 12/17/2012)
12/17/2012	<u>2</u>	4	INFORMATION as to Westley Pearce (1) – Count 1. (jas) (Entered: 12/17/2012)
12/17/2012	<u>3</u>		Citation Calendar as to Westley Pearce. (jas) (Entered: 12/17/2012)
12/17/2012	<u>4</u>		Minute Entry for proceedings held before Honorable P. K. Holmes, III: Initial Appearance, Arraignment and Change of Plea hearing as to Westley Pearce held on 12/17/2012; Attorney Eddie Christian, Retained, for Westley Pearce present. Plea entered by Westley Pearce – Guilty Count 1. Defendant remanded to custody of U.S. Marshals Service. (Rick Congdon–Court Reporter) (jas) (Entered: 12/17/2012)
12/17/2012	<u>5</u>		PLEA AGREEMENT as to Westley Pearce. (jas) (Entered: 12/17/2012)
02/20/2013	<u>6</u>		THE DOCUMENT IS FILED UNDER SEAL WITH THE COURT. INITIAL DISCLOSURE COPY OF PRESENTENCE INVESTIGATION REPORT (SEALED) in case as to Westley Pearce. Response or Objections to PSR due by 3/11/2013. (Attachments: # <u>1</u> Instruction Sheet)(tree) (Entered: 02/20/2013)
02/25/2013			TEXT ONLY ORDER Setting/Resetting Hearings as to Westley Pearce : Sentencing set for 5/1/2013 at 09:00 AM in Fort Smith -- 3rd flr (Rm 310) before Honorable P. K. Holmes III. Signed by Honorable P. K. Holmes, III on February 25, 2013. (cc via CM/ECF: U.S. Probation Office, U.S. Marshals Service) (jas) (Entered: 02/25/2013)
02/25/2013			TEXT ONLY ORDER as to Westley Pearce: A sentencing hearing has been set in this case. The Court hereby orders any Sentencing Memorandum which the parties feel would be beneficial to the Court to be filed no later than 4/10/2013 (21 days prior to sentencing). The first page of any sentencing related filing should include an estimate of the anticipated length of time necessary for the hearing. Additionally, if the sentencing is continued, any Supplemental Sentencing Memorandum will be due 21 days prior to the new sentencing date. Any responsive memoranda must be filed within 7 days after the filing of the sentencing memorandum that the responding party wishes to address. Furthermore, if any party otherwise expects the sentencing to be

			contested, the party or parties should so inform the Court by 21 days prior to sentencing so that enough time will be allotted for the hearing. Signed by Honorable P. K. Holmes, III on February 25, 2013. (cc via CM/ECF: U.S. Probation Office, U.S. Marshals Service) (jas) (Entered: 02/25/2013)
02/26/2013	<u>7</u>		THE DOCUMENT IS FILED UNDER SEAL WITH THE COURT. RESPONSE/OBJECTION(S) TO <u>6</u> PRESENTENCE INVESTIGATION REPORT (Sealed) by USA as to Westley Pearce. (Roberts, Dustin) Modified on 2/27/2013 to grant applicable party access (rw). (Entered: 02/26/2013)
03/15/2013	<u>8</u>		THE DOCUMENT IS FILED UNDER SEAL WITH THE COURT. FINAL PRESENTENCE INVESTIGATION REPORT (SEALED) (including addendum)in case as to Westley Pearce. (Attachments: # <u>1</u> Addendum)(tree) (Entered: 03/15/2013)
03/15/2013	<u>9</u>		THE DOCUMENT IS FILED UNDER SEAL WITH THE COURT. SENTENCING RECOMMENDATION as to Westley Pearce. (tree) (Entered: 03/15/2013)
05/01/2013	<u>10</u>		Minute Entry for proceedings held before Honorable P. K. Holmes, III: Sentencing as to Westley Pearce held on 5/1/2013. (Rick Congdon—Court Reporter) (jas) (Entered: 05/01/2013)
05/02/2013	<u>11</u>	5	JUDGMENT as to Westley Pearce (1), Count(s) 1, DEFENDANT SENTENCED TO 24 MONTHS IMPRISONMENT WITH CREDIT FOR TIME ALREADY SERVED IN FEDERAL CUSTODY, 5 YEARS SUPERVISED RELEASE AND \$100.00 SPECIAL ASSESSMENT. Signed by Honorable P. K. Holmes, III on May 2, 2013. (cc via CM/ECF: U.S. Probation Office, U.S. Marshals Service) (rw) (Entered: 05/02/2013)
05/02/2013	<u>12</u>		STATEMENT OF REASONS as to Westley Pearce filed pursuant to the entry of the <u>11</u> Judgment., THIS DOCUMENT IS FILED UNDER SEAL. . Signed by Honorable P. K. Holmes, III on May 2, 2013. (cc via CM/ECF: U.S. Probation Office, U.S. Marshals Service) (rw) (Entered: 05/02/2013)
05/05/2015	<u>13</u>		PROBATION PETITION/ORDER to request action regarding the offender under supervision and the Court directs the Probation Officer to pursue the course of action stated as to Westley Pearce. Signed by Honorable P. K. Holmes, III on May 5, 2015. (cc via CM/ECF: U.S. Probation Office, U.S. Marshals Service) (lw) (Entered: 05/05/2015)
05/07/2015	<u>14</u>	11	TRANSFER OF JURISDICTION by Probation Office to the Eastern District of Oklahoma as to Westley Pearce Transmitted Transfer of Jurisdiction form, with copies of indictment, judgment and docket sheet. (lw) (Entered: 05/07/2015)

U.S. DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED

DEC 17 2012

CHRIS R. JOHNSON, CLERK

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

UNITED STATES OF AMERICA)

v.)

WESTLEY PEARCE)

No. 3:12-CR-30013-001

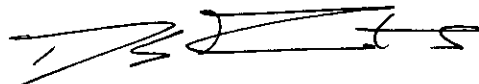
INFORMATION

The United States Attorney Charges:

Beginning on or about April 15, 2012, in the Western District of Arkansas, Harrison Division, the defendant, Westley Pearce, did purposefully travel in interstate commerce to engage in illicit sexual conduct with another person, to wit: the defendant traveled from Oklahoma into Arkansas for the purpose of having sexual intercourse with a 14 year old minor, all in violation of 18 United States Code, Section 2423(b).

CONNER ELDRIDGE
UNITED STATES ATTORNEY

By:



Dustin Roberts
Assistant U. S. Attorney
Arkansas Bar No. 2005185
414 Parker Avenue
Fort Smith, Arkansas 72901
(479) 783-5125
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UNITED STATES DISTRICT COURT

WESTERN

District of

ARKANSAS

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

WESTLEY PEARCE

Case Number: 3:12CR30013-001

USM Number: 11130-010

Eddie N. Christian

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the One-Count Information on December 17, 2012.☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 2423(b)	Travel with Intent to Engage in Illicit Sexual Conduct with a Minor	04/15/2012	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed within the statutory range and the U.S. Sentencing Guidelines were considered as advisory.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) One, Two and the Forfeiture Allegation of the Indictment in case number, 3:12CR30010, are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

May 1, 2013

Date of Imposition of Judgment

/S/ P. K. Holmes, III

Signature of Judge

Honorable P. K. Holmes, III, Chief United States District Judge

Name and Title of Judge

May 2, 2013

Date

DEFENDANT: WESTLEY PEARCE
CASE NUMBER: 3:12CR30013-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **twenty-four (24) months with credit for time already served in federal custody.**

☒ The court makes the following recommendations to the Bureau of Prisons:
That the defendant be placed in a BOP facility which focuses on drug treatment or one that conducts mental health evaluations with emphasis on sex offender treatment.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 1 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: WESTLEY PEARCE
CASE NUMBER: 3:12CR30013-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : **five (5) years.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☒ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: WESTLEY PEARCE
CASE NUMBER: 3:12CR30013-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall submit his/her person, residence, place of employment, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to a search conducted by the U.S. Probation Officer at a reasonable time and in a reasonable manner based on a reasonable suspicion of evidence of any violation of conditions of supervised release. The defendant shall warn any other residents that their premises may be subject to search pursuant to this condition.
2. If deemed necessary by the United States Probation Office, the defendant shall submit to any means utilized by the probation office to track his/her whereabouts or location at any time.
3. The defendant shall submit to in-patient or out-patient mental health evaluation, counseling, testing and/or treatment, all with emphasis on sex offender treatment, as deemed necessary and directed by the U.S. Probation Officer.
4. Except for purposes of employment, the defendant shall not possess, use, or have access to a computer or any other electronic device that has internet or photography capabilities, without prior written approval of the U.S. Probation Officer.

DEFENDANT: WESTLEY PEARCE
CASE NUMBER: 3:12CR30013-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ - 0 -	\$ - 0 -

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____ 0	\$ _____
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- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: WESTLEY PEARCE
CASE NUMBER: 3:12CR30013-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately.
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

PROB 22 (Rev. 2/88)		DOCKET NUMBER (Trans. Court) 3:12CR30013-001	
TRANSFER OF JURISDICTION		DOCKET NUMBER (Rec. Court)	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE WESTLEY PEARCE 810 W. Hastings Sallisaw, OK 74955	DISTRICT Western Arkansas	DIVISION Fort Smith	
	NAME OF SENTENCING JUDGE Honorable P.K. Holmes III		
	DATES OF PROBATION/ SUPERVISED RELEASE	FROM 08/27/2014	TO 08/26/2019
OFFENSE Travel with Intent to Engage in Illicit Sexual Conduct with a Minor, in Violation of 18 U.S.C. § 2423(b)			
U.S. DISTRICT COURT WESTERN DISTRICT OF ARKANSAS FILED MAY 07 2015			
PART 1 - ORDER TRANSFERRING JURISDICTION		By CHRIS R. JOHNSON, Clerk Deputy Clerk	
UNITED STATES DISTRICT COURT FOR THE <u>WESTERN</u> DISTRICT OF <u>ARKANSAS</u>			
IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. 3605, the jurisdiction of the probationer or supervised releasee named above be transferred with the records of this Court to the United States District Court for the <u>Eastern</u> District of Oklahoma upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.*			
<u>5-5-15</u> Date		<u>P.K. Holmes III</u> United States District Judge	
*This sentence may be deleted in the discretion of the transferring Court.			
PART 2 - ORDER ACCEPTING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE <u>EASTERN</u> DISTRICT OF <u>OKLAHOMA</u>			
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.			
<u>May 7, 2015</u> Effective Date		<u>Randall A. White</u> United States District Judge	